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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P. No.20110 of 2021
and
WMP.No.21384 of 2021

V.Kasthuri

.. Petitioner

Versus

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai 600 003.
3. The Executive Engineer,
Zone-IV,
Greater Chennai Corporation,
Old Washermenpet, Chennai 600 021.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, forbearing the 2nd and 3rd respondents or anybody on their behalf from initiating any coercive action of locking and sealing and demolition with regard to the building put up at Old No.31, New No.14, Muniappa Mudali Street, Old Washermenpet, Chennai 600 021, pending determination of the Revision Petition submitted on 25.08.2021 by the petitioner under Section 80-A read with 113 (c) of the Tamil Nadu Town and Country Planning Act.

For petitioner : Mr.P.Ramanathan

For respondents
for R1 : Mr.T.N.C.Kaushik,
Learned Government Advocate



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for RR2 & 3

: Mr.K.Raja Shrinivas,
Senior Standing Counsel

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

2. Heard Mr.P.Ramanathan, learned counsel appearing for the petitioner, Mr.T.N.C.Kaushik, learned Government Advocate appearing for the first respondent and Mr.K.Raja Shrinivas, learned Senior Standing Counsel appearing for the respondents 2 and 3.

3. By consent of the parties, the Writ Petition is taken up for final hearing at the admission stage itself.

4. The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, forbearing the respondents 2 and 3 from initiating coercive action in pursuance of the lock and seal notice.

5. The petitioner would state that she is the owner of the property situated at Old No.31, New No.14, Muniappa Mudali Street, Old Washermenpet, Chennai 600 021 and she constructed a building in pursuance of the plan approval granted in the year 2011. She would further state that though the variations in the construction are minor and negligent, the respondents 2 and 3 issued lock and seal notice, which is challenged by the petitioner by filing an appeal before the first respondent on 25.08.2021.

6. The grievance of the petitioner is that when the appeal is pending, the respondents are now taking coercive action to implement the notice.

7. The learned counsel appearing for the petitioner would state that it would suffice, if a direction is issued to the first respondent to dispose of the appeal preferred by the petitioner in a time frame and in the meanwhile, the right of the petitioner may be protected by an interim order.

8. The learned Government Counsel appearing for the first respondent would state that the first respondent is ready to pass orders on the appeal of the petitioner in accordance with law.



9. In the light of the submissions of the learned counsels and also considering the limited scope of the prayer sought for in the Writ Petition, this Court without going in to the merits of the matter, directs the first respondent to dispose of the appeal preferred by the petitioner under Section 80-A of the Town and Country Planning Act, dated 25.08.2021, on merits and in accordance with law, after affording ample opportunity to the necessary parties, within a period of four months. Till then, the respondents 2 and 3 shall not take any coercive action.

10. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai 600 009.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai 600 003.
3. The Executive Engineer,
Zone-IV,
Greater Chennai Corporation,
Old Washermenpet, Chennai 600 021.

+1cc to Mr.K.Raja Srinivas, Advocate, S.R.No.48702

+1cc to Mr.Ramanathan, Advocate, S.R.No.48331

+1cc to the Government Pleader, S.R.No.49425

W.P. No.20110 of 2021

PMK(CO)
SU(13/10/2021)